

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

In re Terrorist Attacks on September 11, 2001

03 MDL 1570 (GBD)(SN)

This document relates to:

Jessica DeRubbio, et al. v. Islamic Republic of Iran, No. 1:18-cv-05306 (GBD) (SN)

Horace Morris, et al. v. Islamic Republic of Iran, No. 1:18-cv-05321 (GBD) (SN)

Audrey Ades, et al. v. Islamic Republic of Iran, No. 1:18-cv-07306 (GBD) (SN)

Chang Don Kim, et al. v. Islamic Republic of Iran, No. 1:18-cv-11870 (GBD) (SN)

Alexander Jimenez, et al. v. Islamic Republic of Iran, No. 1:18-cv-11875 (GBD) (SN)

Cheryl Rivelli, et al. v. Islamic Republic of Iran, No. 1:18-cv-11878 (GBD) (SN)

Gordon Aamoth, Sr., et al. v. Islamic Republic of Iran, No. 1:18-cv-12276 (GBD) (SN)

Marinella Hemenway, et al. v. Islamic Republic of Iran, No. 1:18-cv-12277 (GBD) (SN)

August Bernaerts, et al. v. Islamic Republic of Iran, No. 1:19-cv-11865 (GBD) (SN)

Ber Barry Aron, et al. v. Islamic Republic of Iran, No. 1:20-cv-09376 (GBD) (SN)

Jeanmarie Hargrave, et al. v. Islamic Republic of Iran, No. 1:20-cv-09387 (GBD) (SN)

Paul Asaro, et al. v. Islamic Republic of Iran, No. 1:20-cv-10460 (GBD) (SN)

Michael Bianco, et al. v. Islamic Republic of Iran, No. 1:20-cv-10902 (GBD) (SN)

Nicole Amato, et al. v. Islamic Republic of Iran, No. 1:21-cv-10239 (GBD) (SN)

Susan M. King, et al. v. Islamic Republic of Iran, No. 1:22-cv-05193 (GBD) (SN)

**PLAINTIFFS' NOTICE OF MOTION FOR JUDGMENTS BY DEFAULT FOR KING
PLAINTIFFS AGAINST THE ISLAMIC REPUBLIC OF IRAN AS TO LIABILITY AND
FOR PARTIAL FINAL JUDGMENTS FOR DAMAGES ON BEHALF OF THE
PLAINTIFFS IDENTIFIED IN EXHIBITS A, EXHIBITS B, AND EXHIBIT G**

PLEASE TAKE NOTICE that upon the supporting Memorandum of Law and the Declaration of Jerry S. Goldman, Esq. ("Goldman Declaration") and exhibits annexed thereto, and the exhibits submitted with access restricted to the Court pursuant to the May 5, 2022 Order, ECF No. 7963, pertaining to expert reports submitted in support of default judgments, all Plaintiffs in *Susan M. King, et al. v. Islamic Republic of Iran*, No. 1:22-cv-05193 (GBD) (SN), by and through their counsel, Anderson Kill P.C., respectfully move the Court for an ORDER granting Plaintiffs' motion for entry of default judgment against the Defendant Islamic Republic of Iran ("Iran") as to liability; AND

PLEASE TAKE FURTHER NOTICE that upon the supporting Memorandum of Law and the Declaration of Jerry S. Goldman, Esq. and exhibits annexed thereto, certain of the

plaintiffs in the above-captioned matters who are identified in Exhibits A-1 to A-7 (collectively, “Exhibits A”), Exhibit B-1 to B-12 (collectively, “Exhibits B”), and Exhibit G (the plaintiffs in Exhibit G are the “Personal Injury Plaintiffs”) annexed to the Goldman Declaration, by and through their counsel, Anderson Kill P.C., respectfully move this Court for an ORDER:

- (1) determining that service of process was properly effected upon Iran in accordance with 28 U.S.C. § 1608(a) for sovereign defendants and 28 U.S.C. § 1608(b) for agencies and instrumentalities of sovereign defendants;¹ AND,
- (2) awarding the Plaintiffs identified in Exhibits A judgments against Iran as to damages in the same amounts previously awarded by this Court to various similarly situated plaintiffs in *Burnett, Havlish, Ashton, Bauer, O'Neill*, and other cases; AND,
- (3) awarding solatium damages to those Plaintiffs identified in Exhibits A in the amounts of \$12,500,000 per spouse, \$8,500,000 per parent, \$8,500,000 per child, and \$4,250,000 per sibling, as set forth in annexed Exhibits A; AND,
- (4) awarding compensatory damages judgment to the Personal Injury Plaintiffs against Iran for pain and suffering commensurate with the injuries sustained during the September 11, 2001 terrorist attacks, in accordance with prior precedent in the U.S. District Court for the District of Columbia in similar cases (and factoring in an upward departure on damages values based on the indelible impact of the September 11, 2001 terrorist attacks); AND,
- (5) awarding the estates of the 9/11 decedents, through the personal representatives and on behalf of all survivors and all legally entitled beneficiaries and family member of such 9/11 decedents, as identified by the Plaintiffs set forth in Exhibits

¹ This only applies for the plaintiffs in this motion in the above-referenced 2018 matters, and for all plaintiffs in *Susan M. King, et al. v. Islamic Republic of Iran*, No. 1:22-cv-05193 (GBD) (SN).

B, compensatory damages for pain and suffering in the same per estate amount previously awarded by this Court regarding other estates of decedents killed in the September 11th attacks, as set forth in Exhibits B; AND,

(6) awarding compensatory damages to certain Plaintiffs identified in Exhibits B for decedents' pain and suffering in an amount of \$2,000,000 per estate, as set forth in annexed Exhibits B; AND,

(7) awarding the estates of the 9/11 decedents, through their personal representatives and on behalf of all survivors and all legally entitled beneficiaries and family member of such 9/11 decedent, as identified in Exhibits B, and the Personal Injury Plaintiffs identified in Exhibit G, an award of economic damages in the amount as set forth in Exhibits B and Exhibit G; AND,

(8) awarding the Plaintiffs identified in Exhibits A, Exhibits B, and Exhibit G prejudgment interest at the rate of 4.96 percent per annum, compounded annually for the period from September 11, 2001 until the date of the judgment for damages; AND,

(9) granting the Plaintiffs identified in Exhibits A, Exhibits B, and Exhibit G permission to seek punitive damages, economic damages, and other appropriate damages, at a later date; AND,

(10) granting permission for all other Plaintiffs in these actions not appearing in Exhibits A, Exhibits B, and Exhibit G to submit applications for damages awards in later stages, to the extent such awards have not previously been addressed; AND,

(11) granting to the Plaintiffs in Exhibits A, Exhibits B, and Exhibit G such other and further relief as this Honorable Court deems just and proper.

Plaintiffs' request is made in connection with the judgments on default as to liability entered against Iran as follows:

CASE NAME	CASE NO.	DATE MOTION FOR LIABILITY WAS GRANTED	ECF NO. OF MOTION FOR LIABILITY THAT WAS GRANTED
<i>Jessica DeRubbio, et al. v. Islamic Republic of Iran</i>	No. 1:18-cv-05306 (GBD) (SN)	05/28/2019	ECF No. 4563
<i>Horace Morris, et al. v. Islamic Republic of Iran</i>	No. 1:18-cv-05321 (GBD) (SN)	06/21/2019	ECF No. 4595
<i>Audrey Ades, et al. v. Islamic Republic of Iran</i>	No. 1:18-cv-07306 (GBD) (SN)	06/21/2019	ECF No. 4594
<i>Chang Don Kim, et al. v. Islamic Republic of Iran</i>	No. 1:18-cv-11870 (GBD) (SN)	09/03/2019	ECF No. 5049
<i>Alexander Jimenez, et al. v. Islamic Republic of Iran</i>	No. 1:18-cv-11875 (GBD) (SN)	09/03/2019	ECF No. 5056
<i>Cheryl Rivelli, et al. v. Islamic Republic of Iran</i>	No. 1:18-cv-11878 (GBD) (SN)	09/03/2019	ECF No. 5047
<i>Gordon Aamoth, Sr., et al. v. Islamic Republic of Iran</i>	No. 1:18-cv-12276 (GBD) (SN)	09/03/2019	ECF No. 5050
<i>Marinella Hemenway, et al. v. Islamic Republic of Iran</i>	No. 1:18-cv-12277 (GBD) (SN)	09/03/2019	ECF No. 5054
<i>August Bernaerts, et al. v. Islamic Republic of Iran</i>	No. 1:19-cv-11865 (GBD) (SN)	01/04/2022	ECF No. 7522
<i>Ber Barry Aron, et al. v. Islamic Republic of Iran</i>	No. 1:20-cv-09376 (GBD) (SN)	01/04/2022	ECF No. 7522
<i>Jeanmarie Hargrave, et al. v. Islamic Republic of Iran</i>	No. 1:20-cv-09387 (GBD) (SN)	01/04/2022	ECF No. 7522

<i>Paul Asaro, et al. v. Islamic Republic of Iran</i>	No. 1:20-cv-10460 (GBD) (SN)	01/04/2022	ECF No. 7522
<i>Michael Bianco, et al. v. Islamic Republic of Iran</i>	No. 1:20-cv-10902 (GBD) (SN)	01/04/2022	ECF No. 7522
<i>Nicole Amato, et al. v. Islamic Republic of Iran</i>	No. 1:21-cv-10239 (GBD) (SN)	04/03/2023	ECF No. 8978

Dated: New York, New York
May 18, 2023

Respectfully submitted,

/s/ Jerry S. Goldman
ANDERSON KILL P.C.
Jerry S. Goldman, Esq.
Bruce E. Strong, Esq.
Alexander Greene, Esq.
1251 Avenue of the Americas
New York, NY 10020
Tel: (212) 279-1000
Fax: (212) 278-1733
Email: jgoldman@andersonkill.com
bstrong@andersonkill.com
agreene@andersonkill.com
Attorneys for Plaintiffs